

APPENDIX D OIL AND GAS STIPULATIONS OGLALA AND BUFFALO GAP NATIONAL GRASSLANDS

INTRODUCTION

This appendix displays the stipulations applied to oil and gas leases to be consistent with Forest Plan standards and guidelines, and a short explanation of the reasons for the stipulations. This is mandated by the oil and gas regulations found in 36 CFR 228 102 (c)(1)(ii). This section also discusses the guidelines by which waivers, exceptions, or modifications may be granted.

Waivers, exceptions, or modifications will be considered in accordance with the requirements of 36 CFR 228.104. Environmental analysis meeting the National Environmental Policy Act requirements will be conducted in considering a request for a waiver, exception or modification. The Deciding Officer will make a determination based on this information.

All the following stipulations are consistent with and necessary to implement the land and resource management plan.

DEFINITION OF TERMS

- **Stipulation:** A provision that modifies standard lease rights and is attached to and made a part of the lease. Stipulations have been developed for the categories of 1) No Surface Occupancy, 2) Timing Limitations or seasonal restrictions, and 3) Controlled Surface Use.
- **No Surface Occupancy (NSO):** Use or occupancy of the land surface for fluid mineral exploration or development is prohibited to protect identified resource values.
- **Timing Limitation (TL) (Seasonal Restriction):** Prohibits surface use during specified time periods to protect identified resource values. This stipulation does not apply to the operation and maintenance of production facilities unless the findings of analysis demonstrate the continued need for such mitigation and that less stringent, project-specific mitigation measures would be insufficient.
- **Controlled Surface Use (CSU):** Use and occupancy are allowed (unless restricted by another stipulation), but identified resource values require special operational constraints that may modify the lease rights. CSU is used for operating guidance, not as a substitute for NSO or Timing stipulations.
- **Lease Notice:** Provides more detailed information concerning limitations that already exist in law, lease terms, regulations, or operational orders. A Lease Notice also addresses special items the lessee should consider when planning operations but does not impose new or additional restrictions.
- **Waiver (oil and gas leasing):** Permanent exemption from a lease stipulation. Waivers can be granted if the condition described in the stipulation no longer applies anywhere in the leasehold.

Definition of Terms, cont.

- **Exception (oil and gas leasing):** Case-by-case exemption from a lease stipulation. The stipulation continues to apply to all other sites within the leasehold to which the restrictive criteria apply.
- **Modification (oil and gas leasing):** Modifications are similar to exceptions, but broader in scope, and involve a fundamental change to the provisions of the stipulation. They can be granted either temporarily or for the duration of the lease. A modification may, therefore, include an exemption from or alteration to a stipulated requirement. Depending on the specific modification, the stipulation may or may not apply to all other sites within the leasehold to which the restrictive criteria applied.

WATER, WETLANDS, WOODY DRAWS, RIPARIAN, AND FLOODPLAINS

CONTROLLED SURFACE USE (CSU)

Resource: Water, Wetlands, Woody Draws, Riparian, and Floodplains (CSU) (see Appendix G Glossary for definitions)

Stipulation

Try to locate activities and facilities away from the water's edge and outside the riparian areas, woody draws, wetlands, and floodplains. If necessary to locate facilities in these areas, then:

- Deposit no waste material (silt, sand, gravel, soil, slash, debris, chemical or other material) below high-water lines, in riparian areas, in areas immediately adjacent to riparian areas or in natural drainageways (draws, land surface depressions or other areas where overland flow concentrates and flows directly into streams or lakes).
- Deposit no soil material in natural drainageways.
- Locate the lower edge of disturbed or deposited soil banks outside the active floodplain.
- Stockpile no topsoil or any other disturbed soil in the active floodplain.
- Locate drilling mud pits outside riparian areas, wetlands and floodplains. If location is unavoidable in these areas, seal and dike all pits to prevent leakage or use containerized mud systems.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Grassland-wide and Forest-wide Direction, Section B, Water, guideline number 14. This stipulation is to protect the biological and hydrologic features of riparian areas, woody draws, wetlands, and floodplains.

Application Methodology,

Use this stipulation in riparian areas, woody draws, wetlands, and floodplains that are greater than 400 meters wide. 43 CFR 3101.1-2 includes measures to relocate operations up to 200 meters and to delay operations up to 60 days in any lease year. Therefore, use Standard Lease Terms for areas less than 200 meters from edge.

Waivers

This stipulation may be waived if the authorized officer determines the entire leasehold no longer contains any riparian areas, woody draws, wetlands, or floodplains.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications

The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area do not include riparian areas, woody draws, wetlands, and floodplains.

SOILS**NO SURFACE OCCUPANCY (NSO)****Resource: Slopes Greater than 40 Percent (NSO)****Stipulation**

Surface occupancy and use is prohibited on slopes greater than 40 percent.

Objective (Justification)

For justification refer to the Chapter 1, Grassland-wide and Forest-wide Direction, Section C, Soils, guideline number 4. The objective of this stipulation is to protect soil resources from loss of productivity, prevent erosion on steep slopes, soil mass movement, and resultant sedimentation.

Application Methodology

Use this stipulation on slopes greater than 40 percent.

Waivers

This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer contains any slopes greater than 40 percent.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include slopes greater than 40 percent.

Resource: Slopes Between 25 - 40 Percent (NSO)**Stipulation**

Surface occupancy and use is prohibited on slopes between 25 - 40 percent with either highly erodible soils or soils susceptible to mass failure.

Objective (Justification)

For justification refer to Chapter 1, Grassland-wide and Forest-wide Direction, Section C, Soils, guideline number 4. The objective of this stipulation is to protect soil resources from loss of productivity, prevent erosion on steep slopes, soil mass movement, and resultant sedimentation.

Application Methodology

This stipulation applies to slopes between 25 and 40 percent with either highly erodible soils or soils susceptible to mass movement. This stipulation will not apply to those areas of slopes between 25 - 40 percent where it is determined there are no highly erodible soils, or soils susceptible to mass failure.

Waivers

This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer contains any highly erodible soils or soils susceptible to mass failure on slopes between 25 to 40 percent in the leasehold.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include slopes between 25 to 40 percent with highly erodible soils or soils susceptible to mass failure.

RECREATION**NO SURFACE OCCUPANCY (NSO)****Resource: Developed Recreation Sites (NSO)****Stipulation**

No surface occupancy or use is allowed within developed recreation sites.

Objective (Justification)

For justification refer to Chapter 1, Grassland-wide and Forest-wide Direction, Section K, Recreation, standard number 9. The objective is to maintain the recreation opportunities and settings within developed recreation sites

Application Methodology

Use this stipulation in developed recreation sites.

Waivers

This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer contains developed recreation sites.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include developed recreation sites.

PALEONTOLOGY**CONTROLLED SURFACE USE (CSU)****Resource: Fossils (CSU)****Stipulation**

Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the lessee or operator, unless notified to the contrary by the Forest Service, shall:

- Contact the Forest Service to determine if a site-specific vertebrate paleontological inventory is required. The Forest Service will conduct inventories and surveys as part of the field review for the proposed activity on the lease. The operator may voluntarily engage the services of a qualified paleontologist to conduct the inventory.
- Implement mitigation measures required by the Forest Service and Bureau of Land Management to preserve or avoid destruction of vertebrate paleontological resources. Mitigation may include relocation of proposed facilities or other protective measures.
- The lessee or operator shall bring to the attention of the Forest Service any vertebrate paleontological resources discovered as a result of surface operation under this lease and shall leave such discoveries intact until directed to proceed by the Forest Service.

Objective (Justification)

For justification refer to Chapter 1, Grassland-wide and Forest-wide Direction, Section E, Paleontological Resources, standard number 1 and 3. The objective is to protect fossils and immediate environment of the site, including inherent scientific, natural historic, interpretive, educational, and recreational values for the area potentially impacted.

Application Methodology

Use this stipulation for Class 3, 4, and 5 formations as described in Appendix J Paleontology. The predevelopment survey protocol is described in Appendix J Paleontology.

Waivers

No conditions for a waiver are anticipated, and approval of a waiver would be unlikely.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include significant fossils as described in Appendix J Paleontology and FSM 2883 Geology Hazards Program Management.

WILDLIFE

Wildlife stipulations are listed in the order of Timing Limitations, Controlled Surface Use, and No Surface Occupancy.

WILDLIFE - TIMING LIMITATIONS (TL)**Resource: Ferruginous Hawk and Swainson's Hawk Nests (TL)****Stipulation**

Surface use is prohibited from March 1 through July 31 within 0.50 miles (line of sight) of ferruginous and Swainson's hawk nests.

Objective (Justification)

For justification refer to Chapter 1, Grassland-wide and Forest-wide Direction, Section F, Fish, Wildlife and Rare Plants, standard number 52. The objective is to prevent reduced reproductive success.

Application Methodology

This stipulation applies to active ferruginous and Swainson's hawk nest. This stipulation applies to drilling, testing, new construction projects, and to workover operations. This does not apply to emergency repairs.

Waiver

This stipulation may be waived if the authorized officer determines conditions have changed and all nests within the leasehold or within the stipulated distance from the leasehold are known to have been unoccupied during each of the previous 7 years.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable, can be adequately mitigated, or if all nests within the leasehold or within the stipulated distance from the leasehold are known to have been unoccupied during each of the previous 7 years.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area include nests or nest site(s) known to have been unoccupied during each of the previous 7 years.

Resource: Golden Eagle Nests (TL)**Stipulation**

Surface use is prohibited from February 1 through July 31 within 0.50 miles (line of sight) of golden eagle nests.

Objective (Justification)

For justification refer to Chapter 1, Grassland-wide and Forest-wide Direction, Section F, Fish, Wildlife and Rare Plants, standard number 52. The objective is to prevent reduced reproductive success.

Application Methodology

This stipulation applies to active golden eagle nest. This stipulation applies to drilling, testing, new construction projects, and to workover operations. This does not apply to emergency repairs.

Waiver

This stipulation may be waived if the authorized officer determines conditions have changed and all nests within the leasehold or within the stipulated distance from the leasehold are known to have been unoccupied during each of the previous 7 years.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable, can be adequately mitigated, or if all nests within the leasehold or within the stipulated distance from the leasehold are known to have been unoccupied during each of the previous 7 years.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area include nests or nest site(s) known to have been unoccupied during each of the previous 7 years.

Resource: Merlin Nests (TL)**Stipulation**

Surface use is prohibited from April 1 through August 15 within 0.50 miles (line of sight) of merlin nests.

Objective (Justification)

For justification refer to Chapter 1, Grassland-wide and Forest-wide Direction, Section F, Fish, Wildlife and Rare Plants, standard number 52. The objective is to prevent reduced reproductive success.

Application Methodology

This stipulation applies to active merlin nests. This stipulation applies to drilling, testing, new construction projects, and to workover operations. This does not apply to emergency repairs.

Waivers

This stipulation may be waived if the authorized officer determines conditions have changed and all nests within the leasehold or within the stipulated distance from the leasehold are known to have been unoccupied during each of the previous 7 years.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated. An exception may be granted for periodic maintenance including work-over rigs if a nest is unoccupied within the current year after May 30.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area include nests or nest site(s) known to have been unoccupied during each of the previous 7 years.

Resource: Sharp-tailed Grouse Display Grounds (TL)**Stipulation**

Surface use is prohibited from March 1 through June 15 within 1 mile (line of sight) of a sharp-tailed grouse display ground.

Objective (Justification)

For justification refer to the Chapter 1, Grassland-wide and Forest-wide Direction, Section F, Fish, Wildlife and Rare Plants, guideline number 15. The objective is to prevent abandonment of display grounds and reduced reproductive success.

Application Methodology

This stipulation applies to active sharp-tailed grouse display grounds. The 1-mile radius extends outward from the center of a display ground. This stipulation applies to drilling, testing, new construction projects, and to workover operations. This does not apply to emergency repairs.

Waivers

This stipulation may be waived if the authorized officer determines conditions have changed and all display grounds within the leasehold or within the stipulated distance from the leasehold have not been used during the past 2 breeding seasons.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated. An exception may be granted if the display ground has not been used by May 1 of the current year.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include display grounds that have been used during the last 2 breeding seasons.

Resource: Sage Grouse Display Grounds (TL)**Stipulation**

Surface use is prohibited from March 1 through June 15 within 2 miles (line of sight) of a sage grouse display ground, and noise from production facilities must not exceed 49 decibels (10 dBA above background noise) at the display ground.

Objective (Justification)

For justification refer to Chapter 2, Fall River West Geographic Area, Wildlife, Fish and Rare Plants, standard number 1. The objective is to prevent abandonment of display grounds and reduced reproductive success.

Application Methodology

This stipulation applies to active sage grouse display grounds. The 2-mile radius extends outward from the center of a display ground. This stipulation applies to drilling, testing, new construction projects, and to workover operations. This does not apply to emergency repairs.

Waivers

This stipulation may be waived if the authorized officer determines conditions have changed and all display grounds within the leasehold or within the stipulated distance from the leasehold have not been used during the past 5 breeding seasons.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated. An exception may be granted if the display ground has not been used by May 1 of the current year.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include any display grounds that have been used during the past 5 breeding seasons.

Resource: Mountain Plover (TL)**Stipulation**

Surface use is prohibited from March 15 through July 31 within 0.25 miles (line of sight) of a mountain plover nests or nest aggregation areas.

Objective (Justification)

For justification refer to the Land and Resource Management Plan, Fall River West Geographic Area Direction, Wildlife, Fish and Rare Plants, number 2. The objective is to prevent reduced reproductive success.

Application Methodology

This stipulation applies to mountain plover nests and nest aggregation areas, if mountain plovers begin nesting on the Buffalo Gap or Oglala National Grasslands. This stipulation applies to drilling, testing, new construction projects, and to workover operations. This does not apply to emergency repairs.

Waivers

This stipulation may be waived if the authorized officer determines conditions have changed and there are no nests or nest aggregation areas within the leasehold or within the stipulated distance from the leasehold.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated. An exception may be granted if the nest or nest aggregation area has not been used by June 10 of the current year.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include mountain plover nests and nesting areas.

Resource: Black-footed Ferret Habitat (TL)**Stipulation**

Surface use is prohibited from March 1 through August 31 within 0.125 miles (line of sight) of prairie dog colonies occupied or thought to be occupied by black-footed ferrets.

Objective (Justification)

For justification refer to Chapter 2, Fall River West Geographic Area, Wildlife, Fish and Rare Plants, standard number 19. The objective is to protect ferrets when breeding and rearing young.

Application Methodology

This stipulation applies to prairie dog colonies occupied by black-footed ferrets. The spatial buffer extends out from the outer boundary of a prairie dog colony occupied by black-footed ferrets. This stipulation applies to drilling and testing and new construction projects, not to operation or maintenance of production facilities.

Waivers

The authorized officer may grant a waiver if ferret surveys, following protocol approved by the U.S. Fish, Wildlife and Rare Plants Service, indicate a low probability that ferrets occur in prairie dog colonies located in the leasehold, or if the U.S. Fish, Wildlife and Rare Plants Service determines that black-footed ferrets do not occur in the area. Currently, there are no prairie dog colonies occupied by black-footed ferrets that are outside Management Area 3.63. This stipulation will be applied if black-footed ferret populations expand outside Management Area 3.63.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated. An exception may be granted if surveys indicate a low probability that ferrets occur in a prairie dog colony where drilling, testing or new construction is proposed.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that black-footed ferrets do not occur in portions of the area.

Resource: Swift Fox Dens (TL)**Stipulation**

Surface use is prohibited from March 1 through July 31 within 0.25 miles (line of sight) of swift fox dens.

Objective (Justification)

For justification refer to Chapter 1, Grassland-wide and Forest-wide Direction, Section F, Fish, Wildlife and Rare Plants, standard number 45. The objective is to prevent den abandonment and reduced reproduction.

Application Methodology

This stipulation applies to swift fox den sites. This stipulation applies to drilling and testing and new construction projects, not to operation or maintenance of production facilities.

Waivers

This stipulation may be waived if the authorized officer determines conditions have changed and there are no dens within the leasehold or within the stipulated distance from the leasehold.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include swift fox dens.

Wildlife - Controlled Surface Use (CSU)

Resource: Black-footed Ferret Habitat (CSU)

Stipulation

Operations in prairie dog colonies known or thought to be occupied by black-footed ferrets are subject to the following constraints:

- Limit oil and gas development to no more than one location per 80 acres.
- Suitable black-footed ferret habitat lost as a result of new facilities within prairie dog colonies must be replaced within 1 year.
- Access for routine maintenance of oil and gas facilities in prairie dog colonies is limited to daylight hours. This does not apply to emergency repairs.
- If it's necessary to place a new road in a prairie dog colony, align the road to minimize habitat loss.

Objective (Justification)

For justification refer to Chapter 1, Grassland-wide and Forest-wide Direction, Section F, Fish, Wildlife and Rare Plants, standard number 18 and guideline number 22, and Management Area 3.63, General, standard number 1 (as amended). The objective is to protect against activities that could result in adverse impacts on black-footed ferrets or ferret recovery objectives.

Application Methodology

This stipulation applies to prairie dog colonies occupied by black-footed ferrets outside Management Area 3.63. Currently, there are no prairie dog colonies occupied by black-footed ferrets that are outside Management Area 3.63. This stipulation will be applied if black-footed ferret populations expand outside Management Area 3.63.

Waivers

The authorized officer may waive this stipulation if black-footed ferrets are released under an experimental non-essential population status; this stipulation may be waived for areas inside the experimental population area but outside Management Area 3.63.

Exceptions

No conditions for an exception are anticipated, and approval of an exception is unlikely.

Modifications

No conditions for a modification are anticipated, and approval of a modification is unlikely.

Resource: Mountain Plover Habitat (CSU)**Stipulation**

Operations in mountain plover nesting and brooding habitat are subject to the following constraints:

- Limit oil and gas development to no more than one location per 80 acres.
- Suitable mountain plover habitat lost as a result of new facilities must be replaced within 1 year.
- Access for routine maintenance of oil and gas facilities in mountain plover nesting and brooding habitat will be between 9 am and 5 pm. This does not apply to emergency repairs.
- If it's necessary to place a new road in a prairie dog colony, align the road to minimize habitat loss.

Objective (Justification)

For justification refer to Chapter 2, Geographic Area Direction, Fall River West, Wildlife Fish and Rare Plants, standard number 2. The objective is to prevent reductions in reproductive success.

Application Methodology

This stipulation applies to mountain plover nesting and brooding habitat, if mountain plovers begin nesting and brooding on the Buffalo Gap or Oglala National Grasslands. Multiple facilities concentrated at a site are allowed.

Waivers

No conditions for a waiver are anticipated, and approval of a waiver would be unlikely.

Exceptions

No conditions for an exception are anticipated, and approval of an exception would be unlikely.

Modifications

The boundary of the stipulated area may be modified if the authorizing officer determines that portions or the area does not contain active prairie-dog colonies.

WILDLIFE - NO SURFACE OCCUPANCY (NSO)**Resource: Mountain Plover Nests and Nesting Areas (NSO)****Stipulation**

No surface occupancy or use is allowed within 0.25 miles of known mountain plover nests or nesting areas.

Objective (Justification)

For justification refer to Chapter 2, Geographic Area Direction, Fall River West, Wildlife, Fish and Rare Plants, standard number 2. The objective is to prevent reduced reproductive success and adverse habitat loss.

Application Methodology

This stipulation applies to mountain plover nests or nesting areas if nests or nesting areas are established on the Oglala or Buffalo Gap National Grasslands.

Waivers

No conditions for a waiver are anticipated, and approval of a waiver would be unlikely.

Exceptions

No conditions for an exception are anticipated, and approval of an exception would be unlikely.

Modifications

The boundary of the stipulated area may be modified if the authorizing officer determines that portions or the area does not contain mountain plover nests or nesting areas.

Resource: Bald Eagle Nests (NSO)**Stipulation**

No surface occupancy or use is allowed within 1.0 mile (line of sight) of bald eagle nests.

Objective (Justification)

For justification refer to Chapter 1, Grassland-wide and Forest-wide Direction, Section F, Fish, Wildlife and Rare Plants, standard number 51. The objective is to prevent reduced reproductive success and adverse habitat loss.

Application Methodology

This stipulation applies to active bald eagle nests.

Waivers

This stipulation may be waived if the authorized officer determines conditions have changed and all nests within the leasehold or within the stipulated distance from the leasehold are known to have been unoccupied during each of the previous 7 years.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area include nests or nest site(s) known to have been unoccupied during each of the previous 7 years. The boundary of the stipulated area may also be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting the eagles.

Resource: Bald Eagle Winter Roosts (NSO)**Stipulation**

No surface occupancy or use is allowed within 1.0 mile (line of sight) of bald eagle roosting areas.

Objective (Justification)

For justification refer to Chapter 1, Grassland-wide and Forest-wide Direction, Section F, Fish, Wildlife and Rare Plants, standard number 51. The objective is to prevent adverse impacts on wintering and migrating bald eagles.

Application Methodology

This stipulation applies to bald eagle roosting areas.

Waivers

This stipulation may be waived if the authorized officer determines conditions have changed and winter roosting areas are no longer used within the leasehold or within the stipulated distance from the leasehold.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include winter roosting areas. The boundary of the stipulated area may also be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting the eagles.

Resource: Golden Eagle, Merlin, Ferruginous Hawk, Swainson's Hawk, and Burrowing Owl Nests (NSO)**Stipulation**

No surface occupancy or use is allowed within 0.25 miles (line of sight) of golden eagle, merlin, ferruginous hawk, Swainson's hawk, or burrowing owl nests.

Objective (Justification)

For justification refer to Chapter 1, Grassland-wide and Forest-wide Direction, Section F, Fish, Wildlife and Rare Plants, standard number 51. The objective is to prevent reduced reproductive success and adverse habitat loss.

Application Methodology

This stipulation applies to active golden eagle, merlin, ferruginous hawk, Swainson's hawk, or burrowing owl nests.

Waivers

This stipulation may be waived if the authorized officer determines conditions have changed and all nests within the leasehold or within the stipulated distance from the leasehold are known to have been unoccupied during each of the previous 7 years.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area include nests or nest site(s) known to have been unoccupied during each of the previous 7 years. The boundary of the stipulated area may also be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting these raptors.

Resource: Sharp-tailed Grouse and Sage Grouse Display Grounds (NSO)**Stipulation**

No surface occupancy or use is allowed within 0.25 miles (line of sight) of a sharp-tailed grouse or sage grouse display ground.

Objective (Justification)

For justification refer to Chapter 1, Grassland-wide and Forest-wide Direction, Section F, Fish, Wildlife and Rare Plants, standard number 14. The objective is to prevent abandonment of display grounds, reduced reproductive success, and adverse habitat loss.

Application Methodology

This stipulation applies to active sharp-tailed grouse or sage grouse display grounds. The 0.25 mile radius extends outward from the center of a display ground.

Waivers

This stipulation may be waived if the authorized officer determines conditions have changed and all display grounds within the leasehold or within the stipulated distance of the leasehold have not been used during the last 2 breeding seasons (sharp-tailed grouse) or 5 breeding seasons (sage grouse).

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include any display grounds that have been used during the last 2 breeding seasons (sharp-tailed grouse) or 5 breeding seasons (sage grouse). The boundary of the stipulated area may also be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting sage grouse and the display grounds.

SCENERY MANAGEMENT**HIGH SCENIC INTEGRITY OBJECTIVE (SIO)****AREAS CONTROLLED SURFACE USE (CSU)****Resource: Scenery (CSU)****Stipulation**

Surface occupancy and use is subject to operational constraints to maintain the landscape character intact. Deviations may be present but must repeat the form, line, color, texture, and pattern common to the landscape character so completely and to such scale that they are not evident.

Objective (Justification)

For justification refer to Chapter 1, Grassland-wide and Forest-wide Direction, Section L, Scenery Management, guideline number 1. The objective is to maintain the Scenic Integrity Objective (SIO) for areas identified as high.

Application Methodology

Use this stipulation on areas identified as high on the adopted SIO map. Operational constraints may include utilizing topographic/vegetative screening, matching color tones of facilities with surrounding topographic features, orienting the well pad/facilities, redesigning production facilities to such scale that they may not be evident, or placing facilities outside the high SIO area.

Waivers

No conditions for a waiver are anticipated, and approval of a waiver is unlikely.

Exceptions

No conditions for an exception are anticipated, and approval of an exception is unlikely.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include high SIO areas.

MODERATE SCENIC INTEGRITY OBJECTIVE (SIO) AREAS CONTROLLED SURFACE USE (CSU)

Resource: Scenery (CSU)

Stipulation

Surface occupancy and use is subject to operational constraints to maintain a landscape character that is no more than slightly altered. Noticeable deviations must remain visually subordinate to the landscape character being viewed.

Objective (Justification)

For justification refer to Chapter 1, Grassland-wide and Forest-wide Direction, Section L, Scenery Management, guideline number 1. The objective is to maintain the scenic integrity objective (SIO) for areas identified as moderate.

Application Methodology

Use this stipulation on areas identified as moderate on the adopted SIO map. Operational constraints may include utilizing vegetative/vegetative screening, matching color tones of facilities with surrounding topographic features, orienting the well pad/facilities, redesigning production facilities to such scale that they are visually subordinate to the landscape, or placing facilities outside the moderate SIO area.

Waivers

No conditions for a waiver are anticipated, and approval of a waiver is unlikely.

Exceptions

No conditions for an exception are anticipated, and approval of an exception is unlikely.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include moderate SIO areas.

MANAGEMENT AREA PRESCRIPTIONS

MA 2.1 SPECIAL INTEREST AREA – ARCHEOLOGICAL RESOURCES NO SURFACE OCCUPANCY (NSO)

Resource: Hudson-Meng Bison Bonebed and Warbonnet/Yellowhand Archeological Sites (NSO)

Stipulation

No surface occupancy or use is allowed within the boundaries of Hudson-Meng Bison Bonebed and Warbonnet/Yellowhand SIAs.

Objective (Justification)

For justification refer to Chapter 3, Management Area Direction, MA 2.1, Hudson-Meng Bison Bonebed (2.1i) and Warbonnet/Yellowhand (2.1m) Special Interest Areas (SIAs). The objective is to protect the heritage resources.

Application Methodology

Use this stipulation in Management Area 2.1 SIAs, Hudson-Meng Bison Bonebed and Warbonnet/Yellowhand.

Waivers

No conditions for a waiver are anticipated, and approval of a waiver would be unlikely.

Exceptions

No conditions for an exception are anticipated, and approval of an exception would be unlikely.

Modifications

No conditions for a modification are anticipated, and approval of a modification would be unlikely.

MA 2.1 SPECIAL INTEREST AREA – PALEONTOLOGY AND GEOLOGICAL RESOURCES**Controlled Surface Use (CSU)****Resource: Edgemont Shark Locality, Marietta South, One-Mile Hill, and Wallace Ranch Localities (CSU)****Stipulation**

Operations may be moved or modified to avoid disturbance to significant fossil resources.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Management Area Direction, MA 2.1, Edgemont Shark Locality (2.1c), Marietta South (2.1d), One-Mile Hill (2.1d), and Wallace Ranch Localities (2.1f) Special Interest Areas (SIAs). The objective is to protect fossils and immediate environment of the site, including inherent scientific, natural historic, interpretive, educational, and recreational values for the area potentially impacted.

Application Methodology

Use this stipulation in Management Area 2.1 SIAs, Edgemont Shark Locality, Marietta South, One-Mile Hill, Wallace Ranch Localities, and Indian Creek.

Waivers

No conditions for a waiver are anticipated, and approval of a waiver would be unlikely.

Exceptions

No conditions for an exception are anticipated, and approval of an exception would be unlikely.

Modifications

No conditions for a modification are anticipated, and approval of a modification would be unlikely.

NO SURFACE OCCUPANCY (NSO)**Resource: Toadstool Park Paleontological and Geological Area (NSO)****Stipulation**

No surface occupancy or use is allowed within the boundaries of Toadstool Park SIA.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Management Area Direction, MA 2.1, Toadstool Park (2.11) Special Interest Area (SIA). The objective is to protect fossils, geologic and biostratigraphic type sections, and immediate environment of the site, including inherent scientific, natural historic, interpretive, educational, and recreational values for the area potentially impacted.

Application Methodology

Use this stipulation in Management Area 2.1 SIA, Toadstool Park.

Waivers

No conditions for a waiver are anticipated, and approval of a waiver would be unlikely.

Exceptions

No conditions for an exception are anticipated, and approval of an exception would be unlikely.

Modifications

No conditions for a modification are anticipated, and approval of a modification would be unlikely.

LEASE NOTICES TO BE APPLIED TO ALL LEASES

Lease Notices are attached to leases to transmit information at the time of lease issuance to assist the lessee in submitting acceptable plans of operation, or to assist in administration of leases. Lease Notices are attached to leases in the same manner as stipulations, however, there is an important distinction between Lease Notices and Stipulations. Lease Notices do not involve new restrictions or requirements. Any requirements contained in a Lease Notice must be fully supported in a law, regulations, standard lease terms, or onshore oil and gas orders. The lessee does not sign a Lease Notice. Guidance in the use of Lease Notices is found in Bureau of Land Management Manual 3101 and 43 CFR 3101.1-3. Lease Notices for Cultural and Paleontological Resources, and for Endangered or Threatened Species, which are to be attached to all leases on the Nebraska National Forests and Grasslands can be found in Region 2 supplement to FSM 2820.